

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SEAN S. COUGHLIN, an individual,

Plaintiff(s),

v.

RSM US LLP, an Iowa limited liability  
partnership,

Defendant(s).

CASE NO. 2:21-cv-00699-TL

ORDER DENYING STIPULATED  
MOTION TO SUBSTITUTE PARTY

This matter is before the Court on the Parties' Joint Stipulation and Order to Substitute Party. Dkt. No. 28. On December 28, 2022, the Parties filed a notice of the death of named Plaintiff Sean S Coughlin. Dkt. No. 25. The Parties then moved for a stay of proceedings to allow time to determine "whether and how Mr. Coughlin's Estate will proceed following his death and whether a proper party will be substituted within the period provided in FRCP 25." Dkt. No. 26. The Court entered the requested stay and ordered the Parties to file a status update by no later than March 29, 2023. Dkt. No. 27. The Parties now seek to substitute Plaintiff's

1 surviving widow, Charlene Coughlin, as the appropriate party to proceed as plaintiff in this  
2 matter. Dkt. No. 28.

3 The Court DENIES the Parties request for substitution because they fail to address what, if  
4 any, of the deceased Plaintiff's claims survive his death. Substitution of a deceased party is only  
5 proper if the party's "claim is not extinguished." Fed. R. Civ. P. 25(a)(1); *see also Stetson v.*  
6 *Washington State Dep't of Corr.*, No. C15-5524 BHS-KLS, 2016 WL 6126029, at \*1 (W.D.  
7 Wash. Oct. 20, 2016) ("In deciding a motion to substitute under Rule 25(a)(1), a court must  
8 consider whether: (1) the motion is timely; (2) the claims pled are extinguished; and (3) the  
9 person being substituted is a proper party."). The Court therefore DIRECTS the Parties to refile the  
10 motion for substitution in compliance with Rule 25, if appropriate, by **no later than March 29,**  
11 **2023.**

12 Dated this 17th day of March 2023.

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15 Tana Lin  
16 United States District Judge  
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